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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

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WILL CO. LTD. a limited liability company
organized under the laws of Japan,
Plaintiff,

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vs.

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KAM KEUNG FUNG, aka 馮 錦 強, aka
FUNG KAM KEUNG, aka FUNG
KAMKEUNG, aka KUENG FUNG, aka
KEUNG KAM FUNG, aka KAM-KEUNG
FUNG, aka KEVIN FUNG, an individual;
FELLOW SHINE GROUP LIMITED, a
foreign company, and DOES 1-20, d/b/a
AVGLE.COM

Case No.
3:20-cv-05666-RSL

DECLARATION OF FRANK
SCARDINO IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT
OF MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION

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DECLARATION OF FRANK SCARDINO IN SUPPORT OF DEFENDANTS'
REPLY IN SUPPORT OF MOTION TO DISMISS

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I, Frank Scardino, declare and state as follows:

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      1.   My name is Frank Scardino. I am over the age of 18 years. I am an associate

attorney at Boston Law Group, PC, which is counsel to the Defendants, *pro hac vice*, in the above

captioned case. I am licensed to practice law in the Commonwealth of Massachusetts, and my bar

number is 703911 in Massachusetts. I make this declaration based upon personal knowledge. All

statements contained in this declaration are true and correct to the best of my knowledge. If called

as a witness, I could and would testify as to the facts set forth in this declaration.

DECLARATION OF FRANK SCARDINO IN SUPPORT OF DEFENDANTS' REPLY
IN SUPPORT OF MOTION TO DISMISS

1   2.   On February 5, 2021, I reviewed documents obtained by Plaintiff's counsel from

2 Cloudflare in response to a subpoena Plaintiff sent to Cloudflare. Counsel for Plaintiff provided

3 these documents to counsel for Defendants in this matter on January 28, 2021, after counsel for

4 Defendants' requested them. Attached hereto as Exhibit 1 is a screenshot reflecting a true and

5 accurate representation of the folder produced to Defendants as described in this paragraph.

6   3.   Included in these documents obtained from Cloudflare was an excel spreadsheet

7 entitled "zone_info_avgle.csv" and a word document entitled

8 "Please_Read_First_Zone_Info_Key.docx." A true and accurate copy of the document entitled

9 "Please_Read_First_Zone_Info_Key.docx." is attached hereto as Exhibit 2.

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12 I declare under penalty of perjury that the foregoing facts are true and correct.

13   Executed on February 5, 2021

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15   /s/ Frank Scardino_____
                                           Frank Scardino

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EXHIBIT 1

Dropbox > Will Co. v. Avgle - Subpoena Production Docs > Subpoena Production > Cloudflare

Name	Date modified	Type	Size
7 - Order Granting Early Discovery.pdf	1/28/2021 4:29 PM	Adobe Acrobat D...	69 KB
billing_profile_details.docx	1/28/2021 4:29 PM	Microsoft Word D...	28 KB
CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS.pdf	1/28/2021 4:29 PM	Adobe Acrobat D...	118 KB
debug.log	1/28/2021 4:29 PM	Text Document	1 KB
Please_Read_First_Zone_Info_Key.docx	1/28/2021 4:29 PM	Microsoft Word D...	17 KB
SDT to Cloudflare.pdf	1/28/2021 4:29 PM	Adobe Acrobat D...	863 KB
subpoena_resp_320-cv-05666-RSL.pdf	1/28/2021 4:29 PM	Adobe Acrobat D...	135 KB
subpoena_resp_docs_320-cv-05666-RSL.pdf	1/28/2021 4:29 PM	Adobe Acrobat D...	44 KB
zone_info_avgle.csv	1/28/2021 4:29 PM	Microsoft Excel C...	59,443 KB

EXHIBIT 2

To Whom It May Concern:

Please be aware Cloudflare is a network provider offering a reverse proxy, pass-through security service. We are not a hosting provider. Cloudflare does not control the content of our customers. Due to the pass-through nature of our services, our IP addresses appear in WHOIS and DNS records for websites using Cloudflare.

The responsive information you have received from Cloudflare is explicitly regarding the user accessing their Cloudflare dashboard to manage their zone file information and account contact information.

If you are looking for information pertaining to the website itself such as visitor traffic and user activity logs for a particular website, you will need to contact the underlying host for that information. Cloudflare does not have this information.

Audit Log Events:

- **API_TKN_GEN**: equivalent to creating a password, done through the Cloudflare dashboard, used for automating changes at the admin level.
- **Initial NS Names**: name servers at the time the domain began the sign up process with
- Cloudflare
- **LOGIN**: user logged in successfully, username and password match.
- **AUTO_LOGIN**: system looks up previous stored login credentials.
- **USER_SIGNUP**: system generates verification email to the email account provided by user.
- **USER_CONFIRM**: user email verification, user clicks on link in email to confirm account.
- **ZONE_INIT**: Zone has been initialized by user but signup incomplete. Partial sign up.
- **ZONE_PENDING**: Zone is in process of being validated. Cloudflare may serve zone, partial features.
- **ZONE_AUTH**: Zone is fully validated. Full Cloudflare features enabled.
- **ZONE_PURGE**: admin or system purges zone. The zone/domain/website will no longer be resolved by Cloudflare's DNS.
- **ZONE_DELETE**: Zone has been deleted. The zone/domain/website is in the process of being removed from Cloudflare's platform. As in, if the zone/domain/website was still pointing at Cloudflare's name servers the domain would still resolve. A "deleted" zone/domain/website often is in the process of leaving Cloudflare's service, and as such it continues to resolve DNS for the domain to ensure the website can move off the platform without an outage.
- **REC_ADD**: user adds DNS record.
- **REC_DEL**: user remove DNS record.
- **REC_SET**: user changes/ sets DNS record.
- **REC_AUDIT_CHANGE**: user inputs change
- **REC_AUDIT_ARCHIVE**: system event has been logged.

- **BILLING_SET**: user sets billing address.
- **PREP_LOSTPASS**: put user in a state where the user can reset the password (sends link to user). *
- **CHANGE_LOSTPASS**: user enters new password.
- **USER_REND**: cookie expires and user must re-enter password (also occurs when user clicks "forgot password").
- **SUB_NEW**: user changes Cloudflare subscription.
- **TWOFACTOR_UTICKET**: user enables two factor authentication.

Status values:
- INI = Initialized
- P = Pending
- V = Active
- MV = Moved
- D = Deleted
- PRG = Purged

Cloudflare's previous third party credit card processor was Recurly. This changed on May 24, 2016. For more details regarding the transactions, please contact Recurly. Recurly's Agent for Service of Process is Isaac Hall, 300 Brannan Street, Suite 608, San Francisco, CA 94107.

Cloudflare's current third party credit card processor is Braintree. This changed on May 24, 2016. Below are transaction details from the Cloudflare's billing interface that connects to Braintree. For more details regarding the transactions (including the full credit card number), please contact Braintree(PayPal) - https://www.paypal.com/us/webapps/mpp/law-enforcement